

REMARKS

Claims 1, 3-10, 14-16, 18-23, 57, 59-62 and 64-67 are currently pending. Claims 1, 3-4, 57, 59-60 and 62 have been amended without admission, prejudice or disclaimer. Claims 2 and 58 have been canceled; claims 11-13, 17 and 63 were previously canceled. Claims 24-56 were previously withdrawn.

The amendment to claim 1 incorporates the limitations of original claim 2 (now canceled), as well as necessary punctuation changes.

The amendment to claim 57 incorporates the limitations of original claim 58 (now canceled), as well as necessary punctuation changes.

The amendments to claims 3, 4 and 59-60 are to provide proper antecedent basis with newly amended parent claims 1 and 57, respectively.

The amendment to claim 62 is to correct a punctuation error, which is apparent from its context.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

1. Brief Review of One Embodiment of the Present Invention.

In one embodiment of Applicants' invention, a gaming device includes a housing with several walls that define a cavity. A moveable indicator is associated with the housing and is moveable along a first predetermined path. A moveable indicator actuator is configured to move the moveable indicator in a linear manner along a first axis. A display device is associated with the housing. The display device includes a band, moveable along a second predetermined path, and displaying indicia. A display device actuator is configured to move the band in a linear manner along a second axis, the second axis being orthogonal to the first axis. A controller is in

communication with the display device actuator and the moveable indicator actuator. The controller determines a game outcome and directs movement of the moveable indicator and the band. The gaming device further includes a player input device coupled to the housing and in communication with the controller, allowing a player to control the movement of the moveable indicator and the display device to at least one specific position selected by the player; after the player has activated the player input device, the controller causes the display device and the moveable indicator to move so that the moveable indicator indicates at least one of the indicia on the band corresponding to the game outcome determined by the controller.

2. Obviousness-type Double Patenting

At least claims 1-10 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being in conflict with claims 1-12 of U.S. Application Serial No. 12/120,061. Applicants respectfully traverse this rejection and request withdrawal of the obviousness-type double patenting rejection in view of the terminal disclaimer (PTO/SB/25) filed with this response in accordance with 37 CFR §1.321(c).

3. Rejection of claims 1, 5-10, 14-16, 18-23, 57, 61 and 67 as being unpatentable over Nordman (U.S. Patent No. 6,712,694) in view of Brown (U.S. Patent No. 5,673,504).

Claims 1, 5-10, 14-16, 18-23, 57, 61 and 67 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Nordman in view of Brown. Applicants respectfully traverse this rejection.

In view of the allowable subject matter indicated by the Office (see Section 4 below), and newly amended independent claims 1 and 57 (from which the remaining claims depend), Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

4. Allowable Subject Matter:

The Office has indicated that claims 2-4, 58-60, 62 and 64-66 would be allowable if rewritten in independent form including all limitations of the base claim and intervening claims. Applicants have amended the corresponding independent claim 1 (from which claims 3-4 are dependent) and claim 57 (from which claims 59-60 are dependent) to address the suggestion of the Office. Applicants note that claim 62 is already an independent claim (from which claims 64-66 are dependent) and therefore assume that claims 62 and 64-66 are already allowable without further amendment.

Applicants also submit that since claims 5-10, 14-16 and 18-23 are dependent upon newly amended independent claim 1, that they are also correspondingly allowable. Likewise, since claims 61 and 67 are dependent upon newly amended independent claim 57, they are also correspondingly allowable.

CONCLUSION

For all of the above reasons, Applicants respectfully submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or this response, the Examiner is encouraged to call Applicant's attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

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